

# **YOLO COUNTY SHERIFF'S OFFICE DETENTION FACILITY REVIEW**

## **SUMMARY**

The 2015-16 Yolo County Grand Jury (YCGJ) conducted a review of the Yolo County Sheriff's Office (YCSO) detention facilities and operations at the Monroe Detention Center and Walter J. Leinberger Memorial Center (Leinberger). Areas of concern included a \$36 million facilities renovation grant expenditures, confidentiality of medical information, sanitary conditions, inmate grievance procedures and maintenance of "Self Contained Breathing Apparatus units" (SCBA).

The Monroe Detention Center is a medium/maximum security facility rated to house inmates with several different security classifications. During multiple visits, the Grand Jury members observed the overall facility to be in a state of disrepair, and in urgent need of immediate maintenance and attention. The YCGJ observed health and safety equipment violations, unsanitary medical equipment and exam rooms, and obstructed path of an emergency exit.

## **BACKGROUND**

Penal Code section 919(b) states: "the Grand Jury shall inquire into the condition and management of the public prisons within the county." To fulfill the statutory obligation, the Grand Jury chose to visit the Monroe Detention and Leinberger Memorial Centers, the principal adult detention facilities in Yolo County.

## **METHODOLOGY**

The Yolo County Grand Jury toured the Monroe Detention Center and the Leinberger Memorial Center in Woodland, California, on September 18, 2015, November 7, 2015, and February 26, 2016. The Grand Jury was escorted by members of the Yolo County Sheriff's Office command staff. During these visits, the Grand Jury inspected the facilities and conducted interviews with staff and inmates.

Additionally, the Grand Jury requested and received policy and procedures documents, copies of inmate grievances, and budgetary information for the \$36 million dollar facility grant for review and analysis.

The Grand Jury reviewed the 2013-14 and 2014-15 Yolo County Grand Jury Final Reports.

The Grand Jury visited informational websites, including the following:

- Yolo County Sheriff's Office
- Sacramento County Sheriff's Department
- The U.S. Department of Health and Human Services (HHS)
- HIPAA-101.com – Guide to Compliance and Regulations

## **DISCUSSION**

The Monroe Detention Center and Leinberger Memorial Center, together commonly referred to as "the County jail", are aging facilities that are in the process of much needed renovation. After obtaining a grant of approximately \$36 million, the facility is ready to embark on several

upgrades. The officers and staff have over five years of experience working under the provisions of Assembly Bill 109 (AB109), the 2011 Public Safety Realignment legislation, which shifted responsibility for certain populations of offenders from the State to the counties. They are continuing to meet the challenges presented by more criminally sophisticated inmates.

## **Facility**

### **Expansion and Renovation Grant - \$36M**

Utilizing \$36M in grant money received through AB109, the Leinberger Facility will be demolished and rebuilt to allow housing of more inmates and the current kitchen and infirmary will be updated and relocated. The Grand Jury inquired as to why the current Leinberger Facility was inadequate. The YCSO command staff stated that the current facility was not constructed to house long term, higher level inmates. As a result of recent legislation (AB109 and voter-approved California Proposition 47, both of which involve transfer of inmates from State to local facilities), this detention facility will house more criminally sophisticated inmates for longer periods of time than typical in the past.

## **Security**

During the initial visit in September 2015, YCGJ members inquired about security cameras throughout the facility regarding functionality and placement. In discussions with YCSO staff, YCGJ members were informed that recent upgrades were made to a very outdated and unsafe system. These upgrades include security camera pan and tilt functionality and increased visibility. YCSO staff stated that additional upgrades are needed and are planned as part of the \$36 million grant. Inmate privacy issues prohibit placement of cameras in showers and restroom facilities.

## **Health & Safety**

YCGJ members observed health and safety equipment violations. Self Contained Breathing Apparatus (SCBA) units were found open (unzipped) and at least one was marked “out-of-service.” During a subsequent visit the Grand Jury observed the SCBA tanks were again found to be empty, low air pressure, and unzipped throughout the facility.

During the initial visit cardboard boxes were observed blocking an exit near an inmate sally port used for emergency evacuation. However, no exits were blocked during subsequent visits.

YCSO staff said that responsibility for the safety of these areas and equipment falls to the officer on duty in these areas each shift. YCSO staff later stated that there was no single person or unit with overall responsibility for health and safety issues at the facility.

Grand Jury members observed substandard conditions in the dental examination room in the Monroe Detention Center Medical Unit. The room was found to be disorganized and in need of cleaning. The dental equipment appeared unsanitary. The equipment table had reddish stains running down the front, and the exam chair was not in a clean condition. Additionally, there were unlabeled containers that the staff speculated were cleaning chemicals unsecured on the floor. Per OSHA Hazard Communication Standard, “All employers with hazardous chemicals in their workplaces must have labels and safety data sheets for their exposed workers, and train them to handle the chemicals appropriately.

## **Process**

### **Inmate Grievance Process**

Grand jury members requested all inmate grievance forms for the 2015 calendar year. YCSO staff provided 425 grievances for review. The Inmate Grievance Form (IGF) employs a stepwise procedure as follows:

1. An inmate files a grievance by describing in writing the issue and discussing the issue with a YCSO staff member
2. First Level Review by YCSO staff member (Shift Sergeant)
3. Acceptance of First Level Review by inmate
4. If the First Level Review IS NOT acceptable – Second Level Review is performed by YCSO staff member (Lieutenant)
5. Acceptance of Second Level Review by inmate
6. If the Second Level Review IS NOT acceptable – Third Level Review is performed by YCSO staff member (Detention Commander)
7. Acceptance of Third Level Review by inmate

The Inmate Grievance Procedures policy for staff, as revised 12/15/2009, differs from procedures set forth in the Inmate Grievance Form. The grievance form has three inmate signature areas after each level of review. The inmates circle “Yes” or “No” indicating, by their signature, whether they agree, or disagree, with the proposed resolution. However, the Inmate Grievance Procedure policy does not address the inmate signature for Second Level and Third Level reviews, which can prompt incomplete follow through by the staff.

The Grand Jury performed an analysis of the 2015 calendar year grievances resulting in the following observations:

- Of the 425 inmate grievances reviewed by Grand Jury members, only 22 (5%) were complete, including those where it is documented that the inmate was no longer in custody
- 25 (6%) had no First Line Review
- 207 (49%) did not complete the First Line Review process – the inmate did not sign off and there was no statement that the inmate refused to sign or was out of custody
- 100 (24%) did not complete the Second Line Review process – the inmate did not sign off and there was no statement that the inmate refused to sign or was out of custody
- 71 (17%) did not complete the Third Line Review process – the inmate did not sign off and there was no statement that the inmate refused to sign or was out of custody

<b>Monroe Detention Grievances from January 1 - December 31, 2015</b>						
<b>Issue Type</b>	<b>Completed*</b>	<b>No Level 1 Review</b>	<b>INCOMPLETE</b>			<b>Total</b>
			<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	
Dietary & Commissary	1	1	16	5	1	<b>24</b>
Policy & Procedure	9	5	83	36	27	<b>160</b>
Mail & Mail Procedures	2	5	12	5	10	<b>34</b>
Facilities & Maintenance	1	2	16	8	3	<b>30</b>
Medical or Dental	5	5	47	27	15	<b>99</b>
Discipline & Conflict with Officers	4	7	33	19	15	<b>78</b>
<b>TOTALS</b>	<b>22</b>	<b>25</b>	<b>207</b>	<b>100</b>	<b>71</b>	<b>425</b>
	<b>5%</b>	<b>6%</b>	<b>49%</b>	<b>24%</b>	<b>17%</b>	

Note: "Completed" form totals include any form documenting the inmate was no longer in custody.

### **Confidentiality of Inmate Medical Files**

The Health Insurance Portability and Accountability Act (HIPAA) of 1996 is a set of rules to be followed by doctors, hospitals and other health care providers to protect the integrity of medical records. HIPAA helps ensure that all medical records, medical billing, and patient accounts meet certain consistent standards with regard to documentation, handling, and privacy.

The HIPAA Security Rule addresses the privacy protection of Protected Health Information (PHI) by defining standards, procedures and methods for protecting PHI with attention to how it is stored, accessed, transmitted, and audited.

Members of the Grand Jury observed potential HIPAA violations during site visits. Inmate medical files were observed stacked in piles approximately three feet in height on various tables, file cabinets, and on the floor in the infirmary. Detention medical staff informed the Grand Jury that the files contained inmate medical records. The stacked files were accessible by non-medical personnel, including but not limited to detention staff and inmates. Additionally, not all medical file storage cabinets were equipped with required locks.

### **FINDINGS**

- F1. The Grand Jury found hazards regarding emergency egress practices.
- F2. Self Contained Breathing Apparatus (SCBA) are not properly maintained.
- F3. The Grand Jury found poor housekeeping of dental/medical exam rooms and equipment.
- F4. Unlabeled chemical containers were improperly stored in the dental exam room.
- F5. There is no onsite person charged with overseeing the health and safety of the entire facility.
- F6. Discrepancies in the Inmate Grievance procedure demonstrate a lack of serious attention to resolving inmate grievances by the Detention staff.

## **RECOMMENDATIONS**

- R1. By September 1, 2016, instruct all staff in writing that all emergency exits must be free from impediments at all times.
- R2. By September 1, 2016, all SCBAs must be fully operational. Defective or inoperable SCBA units shall be removed and replaced. Staff must be educated and trained as necessary to ensure SCBAs are operable and secure.
- R3. By September 1, 2016, all medical equipment and offices must be cleaned and sanitized to regulated industry standards. Procedures shall be put into place to ensure maintenance and cleanliness is sustained.
- R4. By September 1, 2016, all chemicals must be safely secured, labeled, and with the proper Safety Data Sheets on file. Safety Data Sheets must be accessible to staff.
- R5. By January 1, 2017, YCSO should employ or designate a qualified health and safety officer/industrial hygienist to be responsible for the operation, equipment, and training of personnel, to ensure a comprehensive health and safety program.
- R6. By January 1, 2017, a comprehensive policy, including staff training and an updated inmate handbook, shall be in place to ensure that complete processing and proper attention is given to inmate grievances. This shall include a form that matches both staff and inmate procedures.
- R7. By September 1, 2017, properly secure all medical records. All medical staff and practitioners shall receive training on the security of HIPAA information. All medical file cabinets must be equipped with an operable lock.

## **REQUIRED RESPONSES**

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

From the following individuals:

- Yolo County Sheriff – F1 through F6; R1 through R7

From the following governing bodies:

- Yolo County Board of Supervisors – F1 through F6; R1 through R7

## **INVITED RESPONSES**

- Detention Commander, Monroe Detention and Leinberger Memorial Centers – F1 through F6; R1 through R7
- Director, Health and Human Services Community Health Branch– F3 and F4; R3, R4, and R5
- Public Safety Chief, City of Woodland, – F1 and F2; R1 and R2

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.
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## **BIBLIOGRAPHY**

- Yolo County Sheriff's Office website: <http://www.yolocountysheriff.com>
- California Department of Corrections and Rehabilitation website: <http://www.cdcr.ca.gov>
- HIPAA Guide to Compliance and Rules: <http://www.hipaa-101.com>
- U.S. Department of Health and Human Services: <http://www.hhs.gov>
- Health Insurance Portability and Accountability Act of 1996 (Pub. L. 104-191, 110 Stat. 1936)

## **APPENDIX**

Item 1: Yolo County Sheriff's Department Detention Division Policy Manual (S.O. No: RO-400), Inmate Grievance Procedures (staff instructions)

Item 2: Inmate Grievance Form

Item 3: Inmate Grievance Procedures

Item 1:

**YOLO COUNTY  
SHERIFF DEPARTMENT**

**DETENTION DIVISION  
POLICY MANUAL**

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**TITLE:** Inmate Grievance Procedure

S.O. NO.: R - 400

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**EFFECTIVE DATE:** 07/01/02

**REVISION DATE:** 07/09/03  
01/31/07  
12/15/09

**POLICY:**

A viable complaint process is available to inmates to allow systematic redress of conditions relating to confinement. All complaints shall receive written, signed response within a reasonable period of time.

**GENERAL INFORMATION:**

This policy encourages internal problem solving at the level of most direct inmate contact. Additionally, it offers the facility a means for continuous review of administrative policy and decision as well as acquiring written documentation of an incident for possible subsequent judicial reviews. A viable grievance procedure reduces the numbers of court filed suits. Should a case come to court, acquired documentation may facilitate a speedier decision. The grievance procedure shall function as the proper appeal method for dispositions passed by the institution discipline committee or for minor disciplinary action.

**REFERENCES:**

Title 15 Section 1073

**DEFINITIONS:**

**GRIEVANCE:** A circumstance action considered to be unjust and grounds for complaint or resentment.

**TORT CLAIM:** A wrongful act (not involving a breach of contract), which results in an injury, loss or damage, for which the injured party can bring civil action.

**PROCEDURES:**

**INFORMAL RESOLUTION:**

Informal resolution between the inmate and staff member is strongly encouraged. If the inmate cannot find an informal solution and wishes to utilize the grievance procedure, he/she shall file their complaint with the housing unit officer for processing. If dissatisfied with the housing unit officer's solution, the inmate may appeal to the Correctional Sergeant.

**FILING PROCESS:**

An inmate may mail the complaint or file a lawsuit directly with the appropriate court. Inmates should be so advised, however, that courts frequently require evidence that grievance procedures have been exhausted before ruling on a complaint. Grievances shall be submitted by individual inmates. Mass grievances by groups of inmates are unacceptable. Grievances with foreign substances on it will be rejected. Inmates shall limit the text of the complaint to the space provided on the grievance form.

**PROGRAM RESPONSIBILITY AND PROCESSING:**

Program operation shall be the responsibility of the Correctional Lieutenants. The investigation of complaints and drafting of reply shall be accomplished by a Correctional Lieutenant or their representative and subject to review by the Detention Commander.

**NOTIFICATION:**

All inmates shall be advised of this grievance procedure policy statement. This shall be addressed through, but not limited to, all inmate bulletin boards, inmate publications and the admission/orientation process. Spanish translations shall be posted in all housing units.

**RECORD KEEPING:**

The Correctional Lieutenants shall maintain a log of grievances filed under this procedure.

**USE OF THE GRIEVANCE FORM:**

Every effort will be made to resolve grievances at the lowest level. An inmate wanting to file a grievance will request an inmate grievance from the Pod officer. After completion, the grievance will be forwarded to the Correctional Lieutenants.

The Correctional Lieutenants will assign a log number for the grievance. The name of the inmate and the nature of the complaint will be documented in the logbook along with the date received, the name of the staff member assigned to respond to the grievance and the date the grievance was answered and returned to the inmate.

A copy of each grievance answered will be filed in a binder in the Correctional Lieutenant's office. The original will be returned to the inmate.

**LEVEL ONE:**

The Correctional Lieutenant will review the grievance and assign it for response.

Within (5) business days, the assigned officer will either provide a resolution for the grievance, or advise the inmate that he/she is unable to resolve the matter. In either case, the responding officer will write his/her actions in the appropriate area of the grievance form. A copy of the answered grievance will be forwarded to the Correctional Lieutenants for review and placed in the grievance binder in the Lieutenants office. The original will be returned to the inmate. If the inmate is dissatisfied with the level one response, the grievance can be appealed to the next level within (72) hours. The inmate will sign the original and return it to the Correctional Lieutenant. It shall be noted in the log that it is going to the next level.

**LEVEL TWO:**

A grievance can be directed to level two by inmate appeal. Level Two provides a review by the Lieutenants.

Personnel reviewing the grievance at level two will either provide a resolution or respond as "unable to resolve" within (7) business days. Any action by level two personnel will be recorded on the original grievance submitted for appeal. A copy of the grievance will be placed in the binder in the Lieutenants office and the original copy will be returned to the inmate.

**LEVEL THREE:**

If the inmate is dissatisfied with the level two resolution, the grievance may be appealed to the final level. Return the grievance to the Lieutenants to be logged and forwarded to the Jail

Commander. The Jail Commander will review and record comments or resolutions and return within (10) business days. The returned grievance shall have a copy made for the grievance log book in the Correctional Lieutenants office. The original copy shall be returned to the inmate. Review by the Jail Commander will be the final administrative remedy available to the inmates in the inmate grievance process.

**EXCEPTIONS:**

This policy statement shall not be construed to affect, in any way, the separate procedure established pursuant to the Federal Tort Claims Act, the Claims for Inmate Injury Compensation or other applicable statutes.

**EXTENSIONS OF TIME PERIODS:**

The periods of time referred to for action by the reviewing officials may be extended for a like period if findings indicate that the initial period is insufficient to make an appropriate decision. This shall be communicated in writing to the complainant.

**INMATE ABUSE OF THE GRIEVANCE PROCEDURE:**

The Jail Commander may order a limit of the number of grievances by an individual inmate should it appear if the grievance are in excessive in number and of frivolous in nature. The Correctional Lieutenants will evaluate the potential abuse and advise the Jail Commander. When abuse is determined, the inmate will be limited to two grievances a month.

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Detention Commander

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Date

Item 2:

Grievance Number: \_\_\_\_\_

YOLO COUNTY SHERIFF'S DEPARTMENT  
MONROE / LEINBERGER CENTERS  
**INMATE GRIEVANCE FORM**

Name of Inmate: \_\_\_\_\_ Pod & Cell Number \_\_\_\_\_

I discussed this grievance with Officer: \_\_\_\_\_ Badge # \_\_\_\_\_ Date: \_\_\_\_\_

Description of Grievance: \_\_\_\_\_

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\_\_\_\_\_

Action Requested: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Inmate Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**FIRST LINE REVIEW**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Shift Sergeant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

This decision is acceptable to me (Circle One) Yes No  
If No, Why?: \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_

Inmate's Signature and Booking Number \_\_\_\_\_ Date: \_\_\_\_\_

**SECOND LEVEL REVIEW**

Decision: \_\_\_\_\_  
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Lieutenant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

This decision is acceptable to me (Circle One) Yes No  
If not acceptable, Why?  
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Inmate's Signature and Booking Number: \_\_\_\_\_ Date: \_\_\_\_\_

**THIRD LEVEL REVIEW**

Decision: \_\_\_\_\_  
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Detention Commander's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Inmate's Signature and Booking Number: \_\_\_\_\_ Date: \_\_\_\_\_

I-251-9-8-3 (9-04)

Item 3: Excerpt from the Yolo County Sheriff's Office Detention Inmate Rule Book:

**GRIEVANCE PROCEDURE:**

Inmates having a grievance should speak to an on-duty Officer in an effort to get it resolved. If the Officer cannot resolve the matter, the inmate may file a grievance. Grievance forms and instructions are available upon request. Fill out the form and send it to the Correctional Lieutenant. The grievance will be assigned and investigated and the inmate will be given a response in writing. You will find, outlined in ***Title 15 for Local Detention Facilities***, matters which are considered grievable. Inmates filing excessive grievances lacking of merit will be dealt with administratively by restricting the number of grievances an inmate may file. Citizen complaint forms are not a substitute for the inmate grievance procedure. No mass grievances or petitions will be accepted. Grievance forms with foreign matter or substance on the form will not be accepted.